

No. 9(1)81-6Lab./14992— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Panipat Cooperative Sugar Mills Ltd., Panipat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.

Reference No. 87 of 79.

between

SHRI VISHWA NATH, WORKMAN AND THE MANAGEMENT OF M/S THE
PANIPAT COOPERATIVE SUGAR MILLS LTD., PANIPAT.

Present:—

Shri Gian Chand, for the workman.
Shri R. S. Malik, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/23-78/16296, dated 13rd April, 1979 under section 10(i) (c) of the I. D. Act for adjudication of the dispute existing between Shri Vishwa Nath, workman and the management of M/s The Panipat Cooperative Sugar Mills Ltd., Panipat. The term of the reference was:—

"Whether the termination of services of Shri Vishwa Nath was justified and in order ? If not, to what relief is he entitled ?"

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared, filed their respective pleadings and the following issues were framed on basis of their pleadings.

1. Whether the workman was a casual daily worker ?
2. If not as per reference ?

The management examined Shri Jagdish Lal, Time Keeper as their sole witness and closed their case. The workman examined Shri Bholla Yadav and himself as his witness and closed his case. I heard the learned representatives of the parties and decide issues as under:—

Issue No. 1.—The workman he alleged that he worked for crushing seasons continuously for season 73-74 to 76-77 and his services were terminated on 26th November, 1977 without assigning any reason and without issuing any charge sheet.

The management witness deposed that the workman was daily rated casual worker and was never employed as a regular worker. He has given the details of the number of days on which the workman worked during the years 73-74, 74-75, 75-76 & 76-77. He has been shown to have worked during the crushing seasons as well as during off seasons. The management witness has given out in his cross examination that no charge sheet is being issued to the workman who is employed on daily wages.

The workman witness WW-1 has deposed that the workman used to operate centrifugal machine but he has given out in his cross examination that the operation of the centrifugal machine does not require any training and even a casual daily rated worker can also operate on the same. Moreover the workman has also given out in his cross examination that he used to get his wages twice a month but he did not remember at what rate.

From the evidence produced by the parties it is evident that the workman worked during whole of the year whenever work was available and was not called to work during the crushing season only and he was paid his wages twice a month when the regular employees were paid once a month. This issue is accordingly decided against the workman and in favour of the management.

Issue No. 2.—In view of my findings on issue No. 1 it was not required that the workman was to be issued a charge sheet or notice before termination of his services as the workman was casual daily rated worker and not a regular seasonal employee of the respondent. The termination of the workman was therefore justified and in order. The workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated: 14th December, 1981.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 4330, dated 17th December, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 17 of the I. D. Act.

BANWARI LAL DALAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.